

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-632

September 13, 2001

MAINE PUBLIC UTILITIES COMMISSION
Designation of Confidential Information
Pursuant to 35-A M.R.S.A. § 1311-B

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we designate all information provided by utilities to the Commission about their technical operations, utility emergency response plans, network diagrams, and related information during the activation of the Maine Emergency Response Team beginning on September 11, 2001, as confidential pursuant to our authority under 35-A M.R.S.A. § 1311-B.

II. DISCUSSION AND DECISION

In response to the World Trade Center and Pentagon terrorist attacks, the State of Maine activated its Emergency Response Team on the morning of September 11, 2001. The Commission representative on that team requested information from certain utilities related to their technical operations as part of that response.

Under 35-A M.R.S.A. § 1311-B, if the Commission determines that public access to specific information about public utility technical operations could compromise the security of public utility systems to the detriment of the public, the Commission may designate the information as confidential. This may include emergency response plans and network diagrams. The Commission requested and received such information. We hereby designate that information, and any documents based on or created from that information, as confidential pursuant to 35-A M.R.S.A. § 1311-B(1). As provided in that section, such information is not a public record subject to disclosure under 1 M.R.S.A. §§ 401 – 408.

Dated at Augusta, Maine, this 13th day of September, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.